

REMARKS

The foregoing amendment amends Claims 2-5, 7, 8 and 11-13, cancels Claims 1, 6, 9 and 10 and adds Claims 16-25. Support for the amendments and the new claims is found at least in Figures 3, 4, and 5 and the accompanying text (pages 13-22).

Objection to Claim 1 and Rejection of Claim 1 under 35 U.S.C. §112, second paragraph

The Examiner objected to Claim 1 and rejected Claim 1 under 35 U.S.C. §112, second paragraph as being indefinite. The foregoing amendment cancels Claim 1 so that the objection to Claim 1 and the rejection under 35 U.S.C. §112 second paragraph are now moot.

Neither Walker Nor Walsh Describes the Creation of New Content

The Examiner previously rejected Claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,744,922 to Walker (“Walker”). Walker describes a video signal processor that includes a chain detector. It describes a method of looking for similarities between visual and/or audio segment pairs in order to detect chains.

Claims 12, 16, and 19 require that a new video segment is created which includes new content and that a new audio segment is also created using at least one audio recording. The combination of the recently recorded video segment and the recently recorded audio segment with the new video segment and the new audio segment creates the video program. Continuity between the recently recorded segments and the new segments is provided by using audio in the new audio segment recorded by the same speaker featured in the recently recorded segments.

The specification describes one example of creating a video program where the condition is related to weather and the speaker is an on camera meteorologist (OCM). In this example, the recently recorded segments are recorded by the OCM in a studio and include a greeting from the OCM. *See* Specification, page 15. The new video segment corresponds to new content for a local weather forecast and the new audio segment is created as follows:

[E]ach OCM records audio describing conditions, such as sunny, cloudy, partly cloudy, chance of rain, chance of snow, clearing, etc. To create a local weather forecast, the forecast is broken into

pieces and each piece is assigned a unique key. The video server matches each piece in the forecast with the appropriate pre-recorded audio based on the conditions relevant to the local weather forecast.

See Specification page 16. By using audio that features that same OCM that provided the greeting, the recently recorded segments and the new segments can be seamlessly integrated into the newly created program.

Claim 12 recites an audio database that stores a plurality of audio recordings, each audio recording corresponding to a particular condition and a particular speaker and creating a new audio segment that includes at least one of the audio recordings that corresponds to the condition and the selected speaker, Claim 16 recites providing audio recordings that correspond to a particular condition and a particular speaker and using at least one of the audio recordings that corresponds to the selected condition and the selected speaker to create a new audio segment, and Claim 19 recites selecting one or more audio recordings that correspond to the selected speaker and to the received data and using the audio recordings to create a new audio segment. The sections of Walker that the Examiner previously relied upon in rejecting Claim 1 describe that video data includes “both visual information and audio information” and that a similarity chain can be identified from the video data. The cited sections of Walker do not describe creating a new video segment that has new content or creating a new audio segment. The new audio segment recited by Claims 12, 16, and 19 uses at least one audio recording that corresponds to a selected condition and a selected speaker, where the selected speaker is the same speaker featured in a recently recorded video segment or first video segment.

The Examiner rejected Claims 6 and 12 under 35 U.S.C. §103(a) as being unpatentable over Walker, in view of U.S. patent number 5,952,943 to Walsh et al. (“Walsh”). The Examiner primarily relied upon Walker, but cited Walsh for encoding a video program using an encoding scheme that corresponds to the encoding parameter. Figure 1 of Walsh illustrates a converter of an encoding system that receives analog video signals and converts the analog signals to digital video signals. The cited sections of Walsh describe encoding video, but do not recite creating a new video segment that has new content

or using audio recordings to create an audio segment for the new video segment, as recited by Claims 16 and 19 or a converter that receives a data input that includes data related to a condition and creates a new video segment having new content based on the data, as recited by Claim 12.

Claim 19 recites receiving multiple requests for distinct video programs and creating each of the requested video programs. Each of the requests is associated with a condition and data is received that is relevant to the condition. The data is used to create a new video segment having new content. Audio recordings that correspond to the same speaker that is featured in the recently recorded video segment are used to create an audio segment to accompany the new video segment. The recently recorded video segment and the recently recorded audio segment are combined with the new video segment and the new audio segment to create a distinct video program. Neither Walker nor Walsh describes receiving multiple requests for distinct video programs and creating video programs with new content, as recited by Claim 19.

Claims 2-5, 17 and 18 depend from Claim 16, Claims 7, 8, 11 and 20-25 depend from Claim 19, and Claims 13-15 depend from Claim 12. The remarks made above in connection with the patentability of the independent claims are equally applicable to the dependent claims.

INTERVIEW SUMMARY

A telephone interview was conducted with the Examiner on November 28, 2007. The rejection of Claim 1 under 35 U.S.C. §102(e) under Walker was discussed. No agreement was reached during the interview.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. Applicant believes that the application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be resolved via a telephone conference, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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